

BOARD OF REGISTERED NURSING

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ABUSE REPORTING REQUIREMENTS

The prevalence of abuse of children, adults (including spouses), elders, and dependent adults is increasing. Registered nurses are among those health practitioners who must report known or observed instances of abuse to the appropriate authorities. This mandate applies to those situations that occur in the RN's professional capacity or within the scope of employment. Registered nurses must also be aware that failure to report as required is also considered unprofessional conduct and can result in disciplinary action against the RN's license.

The Nursing Practice Act contains the text of the abuse reporting statutes. Highlights of these reporting laws are noted below.

CHILD ABUSE:

Section 11166 of the Penal Code *REQUIRES* that any child care custodian, health practitioner, or employee of a child protective agency (in his or her professional capacity or within the scope of his or her employment) who has knowledge of or observes a child whom he or she knows or reasonably suspects has been the victim of child abuse must report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and prepare and send a written report thereof within 36 hours of receiving the information about the incident.

ELDER AND DEPENDENT ADULT ABUSE:

Section 15630 of the Welfare and Institutions Code *REQUIRES* that care custodians, health practitioners, employees of adult protective services agencies, or local law enforcement agencies who (in their professional capacity or within the scope of their employment) observe evidence of or have been told by an elder or dependent adult that he or she is a victim of physical abuse must report this to county adult protective services or a local law enforcement agency immediately, or as soon as possible, by telephone with a written report submitted within two working days. For persons in long-term care facilities, the observed physical abuse or client-described abuse should be reported to the long-term care ombudsman coordinator or local law enforcement agency. State law PERMITS reporting of other types of abuse such as neglect, intimidation, fiduciary abuse, abandonment, isolation, or other treatment that results in physical harm, pain, or mental suffering when the reporter has knowledge of or reasonably suspects one or more of these types of abuse have occurred. Elders are defined as persons 65 years or older, and dependent adults are defined as persons between the ages of 18 and 64 whose physical or mental limitations restrict their ability to care for themselves.

GENERAL ABUSE:

Section 11160 of the Penal Code *REQUIRES* health practitioners who, in their professional capacity or within their scope of employment, **provide medical services for a physical condition to a patient** whom they know or reasonably suspect has an injury that is the result of assaultive or abusive conduct to report this to a local law enforcement agency immediately or as soon as practically possible. A written report to the law enforcement agency is due within two working days. This statute is extremely broad. It includes **adults, children and other persons (including spouses).**

Failure to comply with these laws is a misdemeanor, punishable by up to six months in jail, by a fine of \$1,000, or both.

The telephone numbers and addresses of the various agencies to whom these reports must be made should be available through your employment setting or in the portion of the telephone directory that covers county or city government. Information about contacting the Long Term Care Ombudsman is available through the Area Agency on Aging or by calling the Office of the State Long Term Care Ombudsman at (800) 231-4024. An inability to locate the correct agency for reporting purposes is **not** an acceptable reason for not reporting abuse! Your local telephone operator can also direct you to the correct agency's telephone number. Your facility or practice setting may also have reporting requirements to the state Department of Health Services or the state Department of Social Services because of their facility licensing laws. Your administrator or director of nursing would know how to comply with these laws.

The Nursing Practice Act, which contains the abuse reporting statutes cited above, is now available in the following formats:

Book with CD Rom:

Publication: 23560
ISBN: 0820587079
Price: \$13.50*

Book Only:

Publication: 23550
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